

Message Text

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ACTION CPR-02

INFO OCT-01 ARA-16 ADP-00 L-03 SCA-01 SCS-03 CIAE-00

INR-10 NSAE-00 RSC-01 PM-07 NSC-10 SS-15 DODE-00

AID-20 USIA-15 OPR-02 RSR-01 /107 W

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P R 212122Z AUG 73

FM AMEMBASSY PANAMA

TO SECSTATE WASHDC PRIORITY 8310

INFO PAN CANAL

USCINCSO

C O N F I D E N T I A L PANAMA 4433

EO 11652: GDS

TAGS: PFOR, AREC, PQ, PN, EFIN, ETRAN, ETEL, PH

SUBJ: USE BY U S EMBASSY OF PAN CANAL COMMISSARY.

1) SUMMARY: BY FIRST PERSON NOTE OF AUGUST 1 FOREIGN MINISTER HAS PROTESTED USE BY MEMBERS OF U S DIPLOMATIC MISSION OF PAN CANAL COMMISSARY AND THREATENS TO BOYCOTT ALL EMBASSY SOCIAL FUNCTIONS IF USE DOES NOT CEASE. FOREIGN MINISTER BASES POSITION ON ARTICLE XII OF 1955 TREATY WHICH HAS NO APPLICABILITY TO U S CITIZEN PERSONNEL BUT WAS INTENDED WITHDRAW COMMISSARY PRIVILEGES FROM PANAMANIAN CITIZEN EMPLOYEES OF CANAL ZONE'S AGENCIES WHO DO NOT LIVE IN CANAL ZONE. ACTION REQUESTED: INSTRUCTIONS ON REPLY TO FOREIGN MINISTER.

2) EMBASSY HAS RECEIVED FIRST PERSON NOTE WHICH ASSERTS U S DIPLOMATIC MISSION PERSONNEL HAVE NO RIGHT TO USE COMMISSARIES AND OTHER SALES OUTLETS IN CANAL ZONE. NOTE STATES 1936 TREATY EXTENDED SUCH PRIVILEGES TO U S AGENCIES IN PANAMA BUT THIS PRIVILEGE WAS TERMINATED BY ARTICLE XII OF 1955 TREATY. FOREIGN MINISTER STATES THAT UNLESS PRACTICE CEASES "PERHAPS" PANAMANIAN OFFICIALS WILL HAVE TO STOP GOING TO EMBASSY SOCIAL FUNCTIONS. FOREIGN MINISTER STATES GOP WILL ALSO MAKE OTHER EFFORTS
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TO FORCE COMPLIANCE.

3) ARTICLE XII OF 1955 TREATY WAS CLEARLY INTENDED TO WITHDRAW PRIVILEGE FROM CANAL AGENCIES' EMPLOYEES WHO ARE NOT U S CITIZENS (ALMOST ALL ARE PANAMANIAN) AND WHO DO NOT LIVE IN CANAL ZONE. PRIVILEGES REMAINED FOR NON- U S CITIZENS WHO DO LIVE IN ZONE. NON-US CITIZEN MEMBERS OF US ARMED FORCES WERE EXEMPTED. ARTICLE XII HAS NOTHING TO DO WITH U S CITIZEN EMPLOYEES OF USG WHETHER THEY LIVE IN OR OUTSIDE ZONE. THIS HAS BEEN ACCEPTED INTERPRETATION OF ARTICLE BY BOTH GOVERNMENTS FOR 18 YEARS.

4) RELATIONS BETWEEN EMBASSY AND FOREIGN MINISTRY HAVE BEEN STRAINED SINCE EMBASSY SENT NOTES ON DEPARTMENT'S INSTRUCTIONS ON CZBS (DEPTEL 120023) AND TELECOMMUNICATIONS (DEPTEL 134153). AS ALREADY REPORTED (PANAMA'S 4371), FOREIGN MINISTRY IS HARASSING USAID ON PRIVILEGES AND IMMUNITIES DESPITE FACT ARTICLE IV OF TECHNICAL COOPERATION AGREEMENTS ACCORDS THEM SAME TREATMENT AS DIPLOMATIC PERSONNEL OF EQUIVALENT RANK. PRESENT NOTE IS SO ABSURD AN INTERPRETATION OF ARTICLE XII OF 1955 TREATY AS TO MAKE OBVIOUS THE EFFORTS TO HARASS U S DIPLOMATIC MISSION.

5) RECOMMEND THAT DEPARTMENT PROVIDE BRIEF REPLY WHICH REJECTS CATEGORICALLY FOREIGN MINISTER'S INTERPRETATION OF ARTICLE XII OF 1955 TREATY.
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TAGS: PFOR, AREC, EFIN, ETEL, PQ, PN
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